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NEW YORK, NY 10017-5612

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**JUN 22 2004**

**OFFICE OF PETITIONS**

In re Application of :  
John A. Ragan :  
Application No. 10/008,294 : **ON PETITION**  
Filed: December 3, 2001 :  
Attorney Docket No. PC10847A :

This is a decision on the petition under 37 C.F.R. § 1.137(b),  
filed June 3, 2004, to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be  
submitted within TWO (2) MONTHS from the mail date of this  
decision. Extensions of time under 37 CFR 1.136(a) are  
permitted. The reconsideration request should include a cover  
letter entitled "Renewed Petition under 37 CFR 1.137(b)."

This application became abandoned for failure to timely reply  
within three months to the Office action mailed July 8, 2003.  
Accordingly, this application became abandoned on October 9,  
2003. A Notice of Abandonment was mailed on March 25, 2004.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now  
provide that where the delay in reply was unintentional, a  
petition may be filed to revive an abandoned application pursuant  
to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR  
1.137(b) must be accompanied by:

(1) the required reply, unless previously filed.  
In a nonprovisional application abandoned for  
failure to prosecute, the required reply may be met  
by the filing of a continuing application. In an  
application, abandoned or lapsed for failure to pay

the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d).

The instant petition does not satisfy requirements (1) and (3) above.

Regarding Item (1):

Petitioner states, "The reply/or fee to the above-noted Office action in the form of Continuation Application is enclosed herewith." The application file has been carefully reviewed and the aforementioned Continuation Application cannot be located with the petition nor in the file.

Regarding Item (3):

The statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional," has not been submitted. It is noted that the second page of the instant petition is not found in the application file.

Accordingly, the petition must be dismissed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  Box 1450  
                  Alexandria, VA 22313

By FAX: (703) 872-9306  
Attn: Office of Petitions

By hand: Customer Service Window  
2011 South Clark Place  
Crystal Plaza Two (left side entrance of building)  
Arlington, VA

Telephone inquiries should be directed to the undersigned at  
(703) 306-9200.

A handwritten signature in black ink, appearing to read 'Ed Tannouse', with a long horizontal line extending to the right.

Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
United States Patent and Trademark Office